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LB 738

This authority also extends to the paving of short portions of street or alleys that intersects a paved street. These statutes are commonly referred to as gap paving statutes or the gap and extend it law. To pay the cost of such paving projects municipalities may levy a special assessment upon the real property adjacent to or abutting upon improved portion of the street or alley. This paving may be done without the need of residents petition or the creation of a street improvement district. In a 1996 case, Benesch v. the City of Schuyler, the Court of Appeals held that the statute didn't auth...did not authorize the paving of streets that had been previously received the application of three coats of oil and two coats of gravel, sometimes referred as armor coating. The courts found the intent of the (inaudible) patch was to enable cities to provide streets with a continuous hard surface, not to bring them up to general city standards. This legislation would allow authority to grant by the gap paving statute be exercised upon the portions of alleys and streets that have not previously been approved to meet the need or the minimum standards set by municipalities for paved streets. All other provision existing statutes would be...stay the same. Simply ask for the advancement of this bill.

SPEAKER KRISTENSEN: Senator Bromm.

SENATOR BROMM: Wonder if Senator Hartnett would yield to a question, please?

SPEAKER KRISTENSEN: Senator Hartnett?

SENATOR HARTNETT: Yeah.

SENATOR BROMM: Senator Hartnett, if I understand your opening and the brief description of the bill that I've read, this would allow a municipality, where you have a blacktop block or two, an oil...an oil stretch, if they decided they wanted to pave that block or two to connect with two other paved streets, they could do that and levy assessments on the property owners, whereas the court case that occurred said that that wasn't authorized, that you couldn't upgrade the standards and levy the assessment. Is that the...